

**CRIMINAL DOCKET
UNITED STATES DISTRICT COURT**

D. C. Form No. 100A Rev.

TITLE OF CASE	ATTORNEYS
<p>THE UNITED STATES</p> <p><i>vs.</i></p> <p>① JOHN OSCAR BROTHERS, ② DAVID DWAIN MENDENHALL (Mendenhall)</p>	<p><i>For U. S.:</i> Hubert H. Bryant</p> <p><i>For Defendant:</i> Pat Williams (Ct. Appt.) Pet. Club Bldg. (Brothers) Tulsa 74119 (583-1338) William S. Hall (Ct. Appt.) Enterprise Building (Mendenhall) Tulsa, 74103</p>

1 Count

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 2 mailed 10-31-72 4-1-73 Mendenhall	Clerk				
J.S. 3 mailed 2-28-73	Marshal				
Violation Kidnaping	Docket fee				
Title 18					
Sec. 1201(a)					
1 Count					

DATE	PROCEEDINGS
10-26-72	Indictment, filed in open court. hm
10-26-72	Record vote of the Grand Jury as to each deft, filed in open court. hm
10-31-72	Arraignment set on Tues. Nov. 7, 1972 at 10am. (AEB-J)h
11-7-72	Defendants each present in person and each rep. Def. Brothers rep. by Frank Skipworth, appearing for Pat Williams, appt. counsel. Def. Mendenhall rep by Wm. S. Hall, appt. counsel. The govt rep. by H. Bryant. Defs each arraigned, and defendant John Oscar Brothers enters a plea of NOT GUILTY and case passed to next jury docket, and given 10 days to file motions. Defendant David Dwain Mendenhall enters plea of GUILTY, and is adjudged GUILTY as charged; waives jury, and sentence passed to Tues. Nov. 21, 1972 at 10:00 A.M. (AEB-J)h

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DATE	PROCEEDINGS
11-28-72	Defendant David Dwain Mendenhall present in person and rep. by Wm. S. Hall, appt. counsel. The govt rep. by Hubert H. Bryant.
	Judgment and Sentence- David Dwain Mendenhall (18)
	Ct. 1- Def. committed to the custody of the Attorney Gen for imprisonment for the maximum period of the term of his life, for a study as described in 18 USCA § 4208(c), the results of such study to be furnished this court within 90 days, whereupon the sentence of imprisonment imposed maybe subject to modification in accordance with 18 USCA § 4208(b). (AEB-J)h
11-28-72	Order of J&C filed & entered. Two c.c. to U.S.M.h
12-15-72	Case transferred to Judge Daugherty for jury trial of <u>Brothers</u> . (AEB-J)rm
12-15-72	Case set for jury trial for <u>Brothers</u> for 9:30 a.m. 1/8/73. (FD-J)rm
12-22-72	Appl. for Continuance, filed by the Deft. v -Deft. mailed order to Judge.
12-27-72	Petition for Writ of Habeas Corpus Ad Testificandum as to Deft., David Dwain Mendenhall, filed. v -order to Judge (also the writ)
1-3-73	Order granting Writ of H.C. Ad Test., filed. (AEB-J)r Writ of H.C. issued. r
1-4-73	Marshal's return on service of J&C, filed. Def. MENDENHALL delivered to FYC, Englewood, Colo. on 12/8/72. rm
1-4-73	Letter from Williams of 12-22-72, request cont to 1-11-73
1-4-73	Order filed, granting Appl for Cont. Case stricken from the Jury Trial setting of 1-8-73 and is reset for Jury Trial on 1-11-73 at 9:30 A.M., filed. (FD-J)r (Copies mailed)
1-9-73	Petition for writ of habeas corpus ad testificandum, filed. hm
1-9-73	Order granting writ of habeas corpus ad testificandum, filed. (FD-J)hm Writ issued. hm
1-11-73	Deft. present in person w/counsel; govt rep. Parties announce ready. Case to be continued until 1-15-73 at 9:30 A.M. and case to be transferred to Judge Bohanon from Judge Daugherty. Deft remanded to USM. (FD-J)r
1-11-73	Case reset for jury trial 1-16-73 at 9:30 a.m. (LB-J)hm
1-12-73	Case reset for jury trial 1-15-73 at 9:30 a.m. (LB-J)hm
1-15-73	Return on service of three (3) subpoenas to testify and two (2) subpoenas to produce documents filed.h
1-15-73	Case tried to a jury as to deft. Brothers. Deft. appeared in person and represented by Pat Williams, Ct. Appt. counsel; govt. represented by Hubert H. Bryant. Jury returns with verdict at 8:50 p.m. finding the deft. guilty. Verdict ordered received, read & filed in open court. Jury polled & discharged. Bond to remain at \$50,000 cash & deft. remanded to U.S.Marshall. Sentencing passed. (LB-J)hm
1-15-73	Instructions to the Jury, filed in open court. (LB-J)hm
1-15-73	Exhibits, filed in vault. hm
1-15-73	Note from the foreman to the Court, filed. hm

D. C. 109A
CRIMINAL DOCKET

DATE	PROCEEDINGS
1-29-73	Return on Writ of Habeas Corpus Ad Testificandum filed unexecuted, - deft. David Dwain Mendenhall. jj
1-29-73	Return on Subpoena to Testify filed. Served Trini Solos, deft., on 1-11-73 at Gallup, New Mex. (fees: \$34.40)jj
1-29-73	Return on Subpoena to Testify filed. Served deft. Jim Madrid on 1-8-73 at Gallup, New Mex. (fees: \$2.00)jj
1-29-73	Return on Subpoena to Testify filed. Served deft. Lucretia Annette Reis 1-9-73 at Pasadena, Calif. (fees: \$5.88)jj
1-29-73	Return on Subpoena to Testify filed unexecuted.jj
1-31-73	Case set for sentence as to deft. John Oscar Brothers 2-14-73 at 9:30 a.m. (LB-J)hm
2-9-73	Subpoena, ret. & filed: served Larry Lee Reis, 1-10-73, Pasadena, Cal. g
2-14-73	Case called for sentence as to deft. <u>John Oscar Brothers</u> . Deft. present and represented. Deft. & counsel asked if they have anything to say before sentence is passed & no cause to the contrary being shown: Judgment and Sentence - Atty. Gen. - Thirty (30) Years Deft. advised of right to appeal by the Court. (LB-J)hm
2-14-73	Judgment and Commitment as to <u>John Oscar Brothers</u> , filed and entered. (LB-J)hm
2-14-73	Two c/c of J&C delivered to U.S. Marshal. hm
2-23-73	Notice of appeal by John Oscar Brothers, filed. copies to USCA & U.S. Atty <i>W. S. Hall</i>
3-19-73	Order, filed, returning MENDENHALL to this district for further review of sentence by court. (AEB-J)rm - <i>marshal already brought in in on previous visit of J.C.</i>
3-20-73	Def. ^{David Mendenhall} present in person and rep. by Wm. S. Hall, appt. counsel. The govt rep. by H. Bryant. Judgment and Sentence- David Dwain Mendenhall (18) It is adjudged that the def. is hereby committed to the custody of the Atty Gen or his authorized rep. for treatment and supervision for a period of Fifteen (15) years pursuant to 18 U.S.C.A. § 5010(c) for a period of Fifteen (15) years or until discharged by the Federal Youth Correction Division of the Board of Parole as provided in 18 U.S.C.A. § 5017(d) paragraph C. (AEB-J)h Def. granted leave to file Rule 35.
3-20-73	Order of J&C filed and entered. Two c.c. to U.S. M. (AEB-J)h
3-21-73	Return on J&C, filed. Executed by delivering deft. on 3-2-73 to F.C.I., Lompoc, Calif. jj
3-30-73	Return on J&C filed. Executed by delivering defendant David Mendenhall to Tulsa County Jail, Tulsa, Okla on 3-20-73, and further executed by delivering him to Federal Youth Center at Englewood, Colorado. ds
4-4-73	Order extending time to file and docket appeal to 5/24/73, filed. (LB-J)rm (copies to counsel, USCA.)

(Contd.)

DATE	PROCEEDINGS
5-3-73	Appl. for Order Permitting Counsel to Withdraw from Case, filed by Patrick A. Williams, attorney for John Oscar BROTHERS. <i>v. mailed to 10th Circuit</i>
5-18-73	Transcript of trial proceedings and sentencing, had on 1/15/73 and 2/14/73 respectively, filed. (FM Sickles - OCR) rm
5-22-73	Appeal record (orig. and 3 copies in two volumes) sent to USCA. rm
11-2-73	Mandate & Opinion of USCA affirming judgment of 2-14-73, filed and spread of record. g
12-26-73	Appeal record, 2 vols., recd. from USCA. rm
2-1-74	Motion for reduction of sentence of deft. Brothers, filed. hm <i>Cyrtel B</i>
3-22-74	Case set for <i>hearing</i> Mtn. of Deft. Brothers for reduction of sentence, 4-1-74 at 9:30 A.M. (LB-J)jj
4-1-74	Hearing held on motion of deft. Brothers for reduction of sentence. Deft. not present but represented; govt. represented. Govt. counsel to file brief on authorities within 10 days & Court takes ruling under advisement. (LB-J)hm
4-1-74	Ordered that motion of deft. Brothers for reduction of sentence should be and is hereby denied. (LB-J)hm (letter written parties)
1-18-79	Order, filed, that Clerk return exhibits to respective parties. (LB-J)rm exhibits picked up by U. S. Atty. Snoke 1/19/79.
6-13-83	CERTIFICATE SETTING ASIDE CONVICTION on David Dwain Mendenhall. pt
7/5/01	FINANCIAL AFFID AND LETTER requesting appt counsl for parole revocation hrg from FPD. 6/29/01. (CVE-JM)j
7/5/01	ORDER APPTD FPD for parole revocation hrg. (CVE-MJ)j